

VZCZCXYZ0003
OO RUEHWEB

DE RUEHC #0627 1630122
ZNR UUUUU ZZH
O 120057Z JUN 09
FM SECSTATE WASHDC
TO AMEMBASSY MEXICO IMMEDIATE 0000

UNCLAS STATE 060627

SIPDIS

E.O. 12958: N/A
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [MX](#)
SUBJECT: MEXICO -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. STATE 59732
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Mexico of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Mexico and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Mexico of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Mexico's country narrative in the 2009 TIP Report:

MEXICO (TIER 2)

Mexico is a large source, transit, and destination country for persons trafficked for the purposes of commercial sexual exploitation and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women and children, indigenous persons, and undocumented migrants. A significant number of Mexican women, girls, and boys are trafficked within the country for commercial sexual exploitation, lured by false job offers from poor rural regions to urban, border, and tourist areas. According to the government, more than 20,000 Mexican children are victims of sex trafficking every year, especially in tourist and

border areas. The vast majority of foreign victims trafficked into the country for commercial sexual exploitation are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico en route to the United States and, to a lesser extent, Canada and Western Europe. In a new trend, unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, increasingly fall victim to human traffickers, particularly near the Guatemalan border. Victims from South America, the Caribbean, Eastern Europe, and Asia, are trafficked into Mexico for sexual or labor exploitation, or transit the country en route to the United States. Mexican men and boys are trafficked from southern to northern Mexico for forced labor. Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and northern border cities like Tijuana and Ciudad Juarez. Foreign child sex tourists arrive most often from the United States, Canada, and Western Europe. Organized criminal networks traffic Mexican women and girls into the United States for commercial sexual exploitation. Mexican men, women, and children are trafficked into the United States for forced labor, particularly in agriculture and industrial sweatshops. The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government took steps to implement its federal anti-trafficking law, issuing regulations in February 2009. As of May 2009, twenty-two Mexican states and its federal district had enacted legislation to criminalize some forms of human trafficking on the local level. However, no convictions or stringent punishments against trafficking offenders were reported last year, though the federal government opened 24 criminal investigations against suspected trafficking offenders. Moreover, the government has not completed renovations on its planned trafficking shelter, though it continued to refer victims to NGOs for assistance. While Mexican officials recognize human trafficking as a serious problem, the lack of a stronger response by the government is of concern, especially in light of the large number of victims present in the country. Recommendations for Mexico: Vigorously implement the new federal anti-trafficking law and provide funding for such implementation; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; dedicate

more resources for victim assistance; continue to develop and implement formal procedures to identify trafficking victims among vulnerable populations; and increase anti-trafficking training for judges and law enforcement, including immigration and labor officials.

Prosecution

The Government of Mexico failed to improve on its limited anti-trafficking law enforcement efforts against offenders last year. No convictions or sentences of trafficking offenders were reported by federal, state, or local authorities. In late 2007, the federal government enacted legislation to prohibit all forms of human trafficking, prescribing penalties of six to 12 years, imprisonment. Under aggravated circumstances, such as when the victim is a child or lacks mental capacity, penalties increase to nine to 18 years, imprisonment; when the defendant is a public official, penalties increase by one half. The above penalties are sufficiently stringent and exceed those prescribed for other serious crimes, such as rape. However, there are concerns over the new law's effective implementation, particularly that victims must press charges against traffickers, otherwise they will not be considered trafficking victims and will not be provided with victim assistance. During the reporting period, the Attorney General's Crimes Against Women and Trafficking in Persons Unit (FEVIMTRA), which prosecutes federal anti-trafficking cases in coordination with the Organized Crimes Unit, opened 24 investigations into suspected trafficking activity, including 11 cases of labor exploitation and 13 cases of commercial sexual exploitation; FEVIMTRA also handled a large number of domestic violence against women cases last year. In October 2008, FEVIMTRA filed one prosecution for forced labor in the state of Chiapas. In Mexico's federalist system, state governments investigate and prosecute trafficking activity on the local level. As of May 2009, twenty-two Mexican states and its federal district had enacted at least partial anti-trafficking laws. Federal jurisdiction is typically invoked in organized crime cases, or cases involving international or transnational trafficking; however, Mexico's federal government has yet to assert its clear jurisdiction over such human trafficking cases. Last year, prosecutors for the state of Chihuahua opened nine anti-trafficking cases; two are awaiting trial, and seven remain under investigation. The Mexican federal government continued to provide significant assistance to the U.S. government on cross-border trafficking investigations last year. The United States extradited a suspected child trafficker to Mexico in 2006; the defendant has yet to be prosecuted in Mexico, though he remained in federal custody during the reporting period. Last year, competing anti-crime priorities and security concerns in Mexico, along with scarce government resources, continued to hamper investigations against human traffickers. However, as organized crime groups continue to encompass human trafficking within the scope of their unlawful activities, the government's battle against organized crime, largely drug cartels, includes combating human trafficking. NGOs and other observers continued to report that corruption among public officials, especially local law enforcement and immigration personnel, was a significant concern; some officials reportedly accepted or extorted bribes or sexual services, falsified identity documents, discouraged trafficking victims from reporting their crimes, or ignored child prostitution and other human trafficking activity in commercial sex sites. No convictions or sentences against corrupt officials were achieved last year, although two immigration officials arrested in 2007 for their alleged leadership of an organized criminal group involved in extortion and smuggling remained under custody. Operation Limpieza, the Mexican government's investigation of high level corruption, resulted in arrests of senior officials from the Mexican Attorney General's Office, in addition to military officials. Newly instituted vetting procedures for the Attorney General's Office have resulted in multiple dismissals of lower-ranking officials. Government-sponsored anti-trafficking training for public officials continued,

though NGOs noted that many public officials in Mexico, including state and local officials, did not adequately distinguish between alien smuggling and human trafficking offenses.

Protection

The Mexican government provided limited victim assistance last year, relying on NGOs and international organizations to provide the bulk of specialized assistance and services for trafficking victims, particularly adults. Mexico's social welfare agency operated shelters for children who are victims of violence, including child trafficking victims. In 2007, the Mexican Congress appropriated 70 million pesos for shelters for trafficking victims to house men, women, and children; the funds were allocated during the last year, and a dedicated property is now being renovated to hold up to 33 persons. The shelter will include a detoxification clinic, therapy rooms, and workshop studios. The Attorney General's Office at the end of 2007 donated a residence it confiscated from a convicted narco-trafficker for use as a human trafficking shelter. The residence was renovated last year and is fully operational, accommodating up to 22 victims. The government offered foreign victims a temporary legal alternative to their removal to countries where they may have faced hardship or retribution; however, most foreign trafficking victims, particularly adults, continued to be deported within 90 days. The government continued to issue renewable one-year humanitarian visas to foreign victims who assisted with the investigation and prosecution of their traffickers; however, foreign victims who declined to assist law enforcement personnel were repatriated to their home countries and were not eligible for aid or services. Only three trafficking victims received humanitarian visas last year. Many victims in Mexico were afraid to identify themselves or push for legal remedies due to their fears of retribution from their traffickers, many of whom are members of organized criminal networks. There were no confirmed reports of victims being penalized for unlawful acts committed as a direct result of being trafficked. The government did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as prostituted women in brothels. However, the government's immigration agency continued to develop guidelines for identifying trafficking victims, particularly children, among detainees. Last year Mexican authorities identified 55 trafficking victims within the country: 28 females and 27 males; trafficking allegations related both to commercial sexual exploitation and forced labor. FEVIMTRA directed identified victims to local resources for assistance.

Prevention

Federal and state governments sustained trafficking prevention efforts last year. In January 2009, FEVIMTRA inaugurated a widespread campaign to distribute anti-trafficking materials across the country. With assistance from NGOs and international organizations, the government continued additional activities to raise public awareness, particularly against the commercial sexual exploitation of children. In February 2009, the government issued implementing regulations to establish a formal interagency anti-trafficking commission and assign responsibilities to various federal agencies. Government collaboration with NGOs and international organizations on anti-trafficking efforts continued last year, but was reportedly uneven among the various federal agencies involved; under regulations issued pursuant to the federal anti-trafficking law, NGOs have limited involvement with the government's interagency anti-trafficking committee and related activities, such as developing anti-trafficking statistics. Authorities took some steps to reduce demand for commercial sex acts through state-level prosecutions of individuals engaging in commercial sex acts with children. No specific measures to reduce demand for forced labor were reported.

19. Post may wish to deliver the following points, which offer

technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition,

the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Mexico given a ranking of Tier 2?

A: The Government of Mexico does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government took steps to implement its federal anti-trafficking law, issuing regulations in February 2009. As of May 2009, twenty-two Mexican states and its federal district had enacted legislation to criminalize some forms of human trafficking on the local level. However, no convictions or stringent punishments against trafficking offenders were reported last year, though the federal government opened 24 criminal investigations against suspected trafficking offenders. Moreover, the government has not completed renovations on its planned trafficking shelter, though it continued to refer victims to NGOs for assistance. While Mexican officials recognize human trafficking as a serious problem, the lack of a stronger response by the government is of concern, especially in light of the large number of victims present in the country.

Q2: What is the nature of Mexico's trafficking problem?

A: Mexico is a large source, transit, and destination country for persons trafficked for the purposes of commercial sexual exploitation and forced labor. Groups considered most vulnerable to human trafficking in Mexico include women and children, indigenous persons, and undocumented migrants. A significant number of Mexican women, girls, and boys are trafficked within the country for commercial sexual exploitation, lured by false job offers from poor rural regions to urban, border, and tourist areas. According to the government, more than 20,000 Mexican children are victims of sex trafficking every year, especially in tourist and border areas. The vast majority of foreign victims trafficked into the country for commercial sexual exploitation are from Central America, particularly Guatemala, Honduras, and El Salvador; many transit Mexico en route to the United States and, to a lesser extent, Canada and Western Europe. In a new trend, unaccompanied Central American minors, traveling through Mexico to meet family members in the United States, increasingly fall victim to human traffickers, particularly near the Guatemalan border. Victims from South America, the Caribbean, Eastern Europe, and Asia, are trafficked into Mexico for sexual or labor exploitation, or transit the country en route to the United States. Mexican men and boys are trafficked from southern to northern Mexico for forced labor. Central Americans, especially Guatemalans, are subjected to forced labor in southern Mexico, particularly in agriculture. Child sex tourism continues to grow in Mexico, especially in tourist areas such as Acapulco and Cancun, and northern border cities like Tijuana and Ciudad Juarez. Foreign child sex tourists arrive most often from the United States, Canada, and Western Europe. Organized criminal networks traffic Mexican women and girls into the United States for commercial sexual exploitation. Mexican men, women, and children are trafficked into the United States for forced labor, particularly in agriculture and industrial sweatshops.

Q3: How can Mexico improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Mexico could: vigorously implement the new federal anti-trafficking law and provide funding for such implementation; increase efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders, including complicit public officials; dedicate more resources for victim assistance; continue to develop and implement formal procedures to identify trafficking victims among vulnerable populations; and increase anti-trafficking training for judges and law enforcement, including immigration and labor officials.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON